

MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

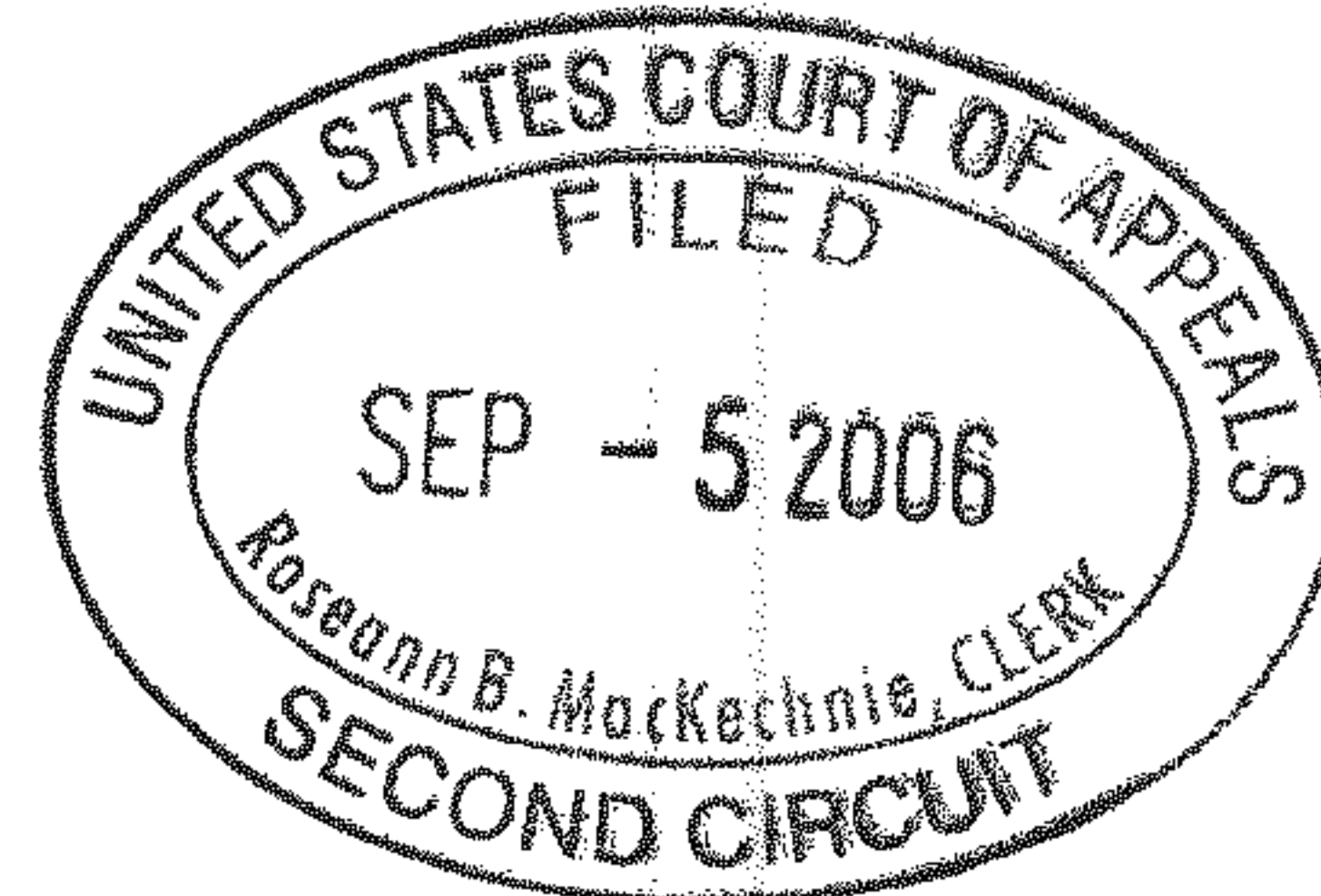
SDNY/New York City
02-w-8993
Kaplan

JUDGMENT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5th day of September, two thousand six.

Before: Hon. Richard J. Cardamone,
Hon. Guido Calabresi,
Hon. Rosemary S. Pooler,
Circuit Judges

Docket No. 05-4371-cv



OSRECOVERY, INC., JOHN DOE PLAINTIFFS 3050-3188, in their individual capacities and in their capacities as claimant members of OSRecovery, Inc., JOHN DOE PLAINTIFFS 1-939, in their individual capacities and in their capacities as claimant members,

Plaintiffs,

GRAY CLARE,

Appellant,

v.

ONE GROUPE INTERNATIONAL, INC., its founders, officers and directors a/k/a ONEGROUP, OSGOLD.COM, its founders, officers and directors, a/k/a OFF-SHORE GOLD, OSOPPS.COM, DAVID C. REED, in his individual capacity and as co-founder of OSGold and OSOpps, OSGOLD, LATVIAN ECONOMIC COMMERCIAL BANK, a/k/a LATEKO BANK, PAREX BANK, a/k/a PAREKSS BANKA, ECOMMERCE EXCHANGE, INC., its founders, officers and directors, ECURRENCY EXCHANGE, INC., its founders, officers and directors, PINNACLE DYNAMICS, LLC, its founders, officers and directors, d/b/a FASTGOLD, JAMES SHUPPERD, in his individual capacity, GOLDNOW CORP., GRAHAM KELLY, in his individual capacity, GAITHMANS GOLD NATIONAL LTD., ERIC GAITHER, GOLD-TODAY, MICHAEL MOORE, in his individual capacity, PECUNIX, INC., INTERNATIONAL NEGOTIATIONS TEAM, RICK YOUNG, JOHN DOES, in their individual capacities, JOHN DOE INC., FRANK ZUCHRISTIAN, EURO GOLD LINE, TOLD-TODAY,

Defendants-Appellees,

RANDY L. JOHNSON, JR., in his individual capacity and his capacity as co-founder of OSGold and owner of Economic Exchange, Inc.,

Defendant.

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued by counsel.

On consideration whereof, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgment of said district court be and it hereby is VACATED and REMANDED in accordance with the opinion of this Court.

A TRUE COPY
Roseann B. MacKechnie, CLERK
by John S. Pinner
DEPUTY CLERK

FOR THE COURT:

ROSEANN B. MACKECHNIE, Clerk

by

Tracy W. Young
Tracy W. Young
Motions Staff Attorney

Issued as Mandate:

9/27/06.